

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA §
§
§
V. § 4:17-CR-00222
§
§
BRENDA RODRIGUEZ §

MOTION TO CONTINUE

**TO THE HONORABLE LYNN N. HUGHES, UNITED STATES DISTRICT
JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION:**

COMES NOW, Brenda Rodriguez, by and through her attorney of record, Lance C. Hamm, and moves this Court to continue the trial setting until January 25, 2019, and would show the following:

I.

This case is set for Trial on January 22, 2019, at 9:00 a.m. Counsel is requesting a new trial date of January 25, 2019, Counsel, with the Court's approval, is not opposed to selecting a jury on January 22, 2019, and having the jurors return on January 25, 2019, to begin opening statements and proceed with the Government's case in chief.

II.

As a result of the Pretrial Conference on January 14, 2019, and matters occurring during the final Pretrial Conference on January 18, 2019, neither of which were relevant to USA v. Rodriguez, the Government filed an Emergency Motion for Recusal and a Motion to Stay the proceedings in this Court pending a ruling by the Fifth Circuit. Sunday, January 20, 2019, Counsel was contacted by the Fifth Circuit Court of Appeals and ordered to file a response to the Government's Petition and Motion to Stay. Counsel had not read the Petition at the time of the phone call, however, I initially agreed to have a response filed "later today". After reading the Government's Petition Counsel contacted the Fifth Circuit and advised that proper research into the allegations need to be done and I would have a response filed by noon time on January 21st. At approximately 12:51, Counsel contacted Angel Tardie

with the Fifth Circuit and asked her to file the response and was also made aware that the Fifth Circuit had denied the Government's Petition.

III.

Counsel needed Sunday and Monday for trial preparation. Counsel planned to meet Ms. Rodriguez on both Sunday afternoon and Monday morning for trial preparation but had to cancel. But for Counsel having to research and respond to an issue created solely by the Government and totally unrelated to Ms. Rodriguez's defense, Ms. Rodriguez would not have lost time initially allocated for providing her an adequate defense. Prior to filing this motion, Counsel was conducting defense and trial strategy via phone with Ms. Rodriguez for several hours when Counsel was disconnected; Counsel assumes Ms. Rodriguez's phone died. Counsel has continued to try and contact Ms. Rodriguez and will continue to try until a reasonable time throughout the evening but has been unsuccessful up to this point. There are still several hours of trial strategy and preparation Counsel needs to conduct and discuss with Ms. Rodriguez in order to prepare an adequate defense, a defense which she has been deprived of due to circumstances unrelated to her case.

IV.

This motion is brought with the consent and approval of Brenda Rodriguez. Counsel has consulted with AUSA Scott Armstrong who is opposed to the motion.

WHEREFORE, PREMISES CONSIDERED, Brenda Rodriguez respectfully requests this Court grant this motion and continue trial until January 25, 2019.

Respectfully submitted,

By: /s/ Lance C. Hamm

Lance C. Hamm

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Attorney for Brenda Rodriguez

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Continuance has been delivered to AUSA Tina Ansari via ECF, this 21st day of January 2019.

/s/ Lance C. Hamm
Lance C. Hamm

CERTIFICATE OF CONFERENCE

On January 21, 2019, counsel for Defendant consulted with AUSA's Scott Armstrong, who advised the government was opposed.

/s/ Lance C. Hamm
Lance C. Hamm